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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,619	09/25/2001	Harold Rosen	PD-200112A	9746

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EXAMINER

POLLARD, STEVEN M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.  
09/963,619

Applicant(s)  
Rosen, Et. Al.

Examiner  
Steven Pollard

Art Unit  
3727



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 1, 2002
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12, 14-30, and 32-39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 14-20, 23-30, 32-39 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6) ☐ Other:

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

2. Claims 12, 14 - 17, 30 and 32 - 37 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al., Beckman, and Androulakis..

It would have been obvious to one of ordinary skill in the art to have employed the low emissivity coated surface teachings set forth in Ishizaki, et. al., motivated by the insulative properties achieved thereby, the multiple port teaching set forth in Beckman, motivated by the evacuation option achieved thereby, and an outer heating mechanism, in view of the cooling teaching set forth in Androulakis, motivated by the intended use, in the construction of the device of Strong, et. al. To have employed a copper coating in the above set forth device would have been obvious to one of ordinary skill in the art, motivated by cost considerations. To have employed a second heating mechanism to control iceing would have been an obvious matter of engineering design choice, motivated by the intended use and recognized problem to be solved.

3. Claims 18, 19, 20, 23 - 29, 38 and 39 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al., Beckman, and Androulakis as applied to claims 12, 14 - 17, 30 and 32 - 37 above, and further in view of Cherevatsky.

It would have been obvious to one of ordinary skill in the art to have employed the wall structure teaching set forth in Cherevatsky in the construction of the outer shell of the device of Strong, et.

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al. as modified above by Ishizaki, et. al., Beckman, and Androulakis, motivated by the shell characteristics achieved thereby. To have employed a copper coating in the above set forth device would have been obvious to one of ordinary skill in the art, motivated by cost considerations. To have connected the inner and outer shell members at two opposing equatorial locations and a port member and employing a friction welded insert would have been an obvious matter of engineering design choice, producing no new and unobvious results, motivated by engineering design. To have employed a second heating mechanism to control iceing would have been an obvious matter of engineering design choice, motivated by the intended use and recognized problem to be solved. To have employed the above set forth device in a stratospheric vehicle would have been an obvious matter of engineering design choice, motivated by the requirements of the environment of such vehicle.

4.. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

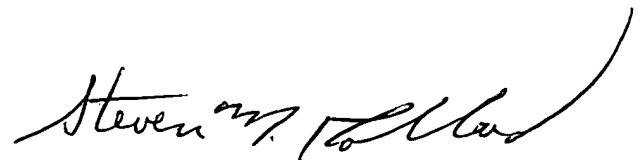
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Steven M. Pollard

22 January 2003

A handwritten signature in black ink, appearing to read "Steven M. Pollard", with a long, sweeping flourish extending from the end of the name.

**Steven Pollard**  
**Primary Examiner**